

N.Y.S.D. Case #
09-cv-1714(DAB)

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall Courthouse, 40 Foley Square, in the City of New York, on the 21st day of July, two thousand fifteen.

Present: Rosemary S. Pooler,
Peter W. Hall,
Susan L. Carney,
Circuit Judges.

USDC SDNY
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DOC #:
DATE FILED: July 21, 2015

Norbert G. Kaess, *et al.*,

Plaintiffs-Appellants,

v.

No. 13-2364-cv

Deutsche Bank AG, *et al.*,

Defendants-Appellees.

It is hereby ORDERED that the mandate is RECALLED. It is FURTHER ORDERED that the judgment of the district court is VACATED and this case is REMANDED to that court for further consideration in light of *Omnicare, Inc. v. Laborers District Council Construction Industry Pension Fund*, 135 S.Ct. 1318 (2015), and for such further proceedings as the district court may deem necessary and appropriate, which proceedings may, but shall not necessarily, include allowing plaintiffs to replead their causes of action. Any appeal from the judgment of the district court following remand shall be heard by a new panel in the regular course.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe

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